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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Application of:

Bing Zhou et al

Art Unit: 1754

Serial No. 10/038,120

Confirmation No. 5527

Filed: November 9, 2001

Examiner: C. Nguyen

Date: October 27, 2003

For: Catalyst and Process for  
Oxidation and Removal of Nitrogen Oxides  
(NO<sub>x</sub>) from Combustion Gases

**AMENDMENT UNDER 37 CFR 1.111**

Asst. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated August 4, 2003 for the above-identified continuation-in-part patent-application. This response could not be made within the designated shortened period of one (1) month because of the unavailability of the undersigned agent. Consequently, applicants are requesting an extension of time for two months for making this response, accompanied by the appropriate extension fee is being enclosed herewith. The appropriate two-month extension fee for large entity (\$420) should be deducted from our Deposit Account No. 08-3636.

The Examiner has required restriction to one of the following two inventions as provided for under 35 USC 121:

- I. Claims 1-16, drawn to catalyst and process of producing thereof, classified in class 502, subclass 300+.

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II. Claims 17-29, drawn to a process for catalytic oxidation and removal of NO<sub>x</sub> contained in fuel combustion gases using a catalyst, classified in class 423, subclass 210+.

The Examiner contends that the inventions are distinct each from the other, for the reasons which were detailed in the Office Action.

In response, it is emphasized that applicants believe that the bi-functional catalyst product claims 1-16 and the process claims 17-29 for utilizing the bi-functional catalyst product for oxidation and removal of nitrogen oxides (NO<sub>x</sub>) from fuel combustion gases are all integral parts of their common invention. The bi-functional catalyst product was designed and developed specifically for generating reactions for oxidizing nitrogen oxide (NO) to form NO<sub>2</sub> or higher oxides, and applicants believe the catalyst may not have other commercial uses. Also, it is pointed out that the broadest process claim 17 for catalytic oxidation and removal of nitrogen oxides (NO)<sub>x</sub> contained in fuel combustion gases requires use of the catalyst product as defined in claim 1. However, in response to the restriction requirement by the Examiner and to facilitate successful prosecution of applicants' entire invention, applicants hereby provisionally elect with traverse for initial prosecution Invention I including claims 1-16 directed to the bi-functional catalyst product and method for making same.

The Invention II process claims 17-29 directed to a process for catalytic oxidation and removal of nitrogen oxides (NO<sub>x</sub>) contained in fuel combustion gases are being canceled, but will be prosecuted in a divisional application to be filed at a later time.

In compliance with 37 CFR 1.48(b), the inventorship for the provisionally elected Invention I catalyst product claims 1-16 is Bing Zhou alone. The names of co-inventors Lap-Keung Lee and Naresh J. Suchak are being hereby deleted for Invention I, as their contribution was to the Invention II process claims 17-29 for catalytic oxidation and removal of nitrogen oxides from fuel combustion gases. Accordingly, a petition under 37CFR 1.48(b) is being enclosed herewith for correction of the inventorship for the elected claims 1-16 of Invention I.



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Respectfully submitted,

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**CERTIFICATE OF MAILING**

This Amendment for patent application Serial No. 10/038,120 is being deposited with the U.S. Postal Service as first class mail with sufficient postage addressed to:

Asst. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: Oct. 27, 2003

By: Fred A. Wilson